

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

GLADYS HARRISON

PLAINTIFF

VS.

CIVIL ACTION NO. 1:21cv113-DMB-DAS

CARRIER CORPORATION;
RICHARD LENOIR AND
JOHN DOES I-X

DEFENDANT

COMPLAINT
TRIAL BY JURY REQUESTED

COMES NOW, Plaintiff in the above cause, by and through her attorneys of record, and files this, her Complaint, complaining of the above named Defendant, Richard Lenoir. In support thereof, Plaintiff would most respectfully show unto this Honorable Court the following, to-wit:

1. (a) Plaintiff Gladys Harrison is an adult resident citizen of Clay County, Mississippi residing at 10231 Davidson Road, West Point, MS 39773.
- (b) Defendant Richard Lenoir is an adult resident citizen of Tennessee residing at 2895 George West Road, Middleton, TN 38052.
- (c) Defendant Carrier is a foreign multinational home appliances corporation, organized and incorporated in Delaware, and listed with the Mississippi Secretary of State's Office on July 5, 1979. Carrier Corporation has its principal office address at 13995 Pasteur Blvd, Palm Beach Gardens, FL 33418 and may be served with process of this Court through CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.
- (d) John Does I-X inclusive, the true name or capacity of which, whether individual, corporate, associate or otherwise are unknown to plaintiff at this time. Plaintiff therefore sues said defendants by such fictitious names. Plaintiff is informed, believe, and thereon

allege that each of the John Does defendants are responsible in some manner for the events and happenings hereinafter referred to which proximately caused Plaintiff to sustain injuries and damages. Plaintiff will amend and insert the exact name and identity of each of the defendant John Does when ascertained.

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C § 1332(a)(1) because this case is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

3. Venue is properly set in this District pursuant to 28 U.S.C. §1391 (b) since one or more of the Defendants transact business within this judicial district. Likewise, a substantial part of the events giving rise to the claim occurred within this judicial district.

FACTS

5. On or about August 20, 2020 at approximately 3:30 p.m., Plaintiff Gladys Harrison was driving a black 2006 BMW, slowing to make a right turn into Wendy's off of Hwy 45 in Aberdeen, Monroe County, Mississippi near its intersection with Hwy 25.

6. Defendant Carrier owned the white 2019 Ford Transit being driven by Richard Lenoir at the time of the subject accident.

7. Defendant Richard Lenoir was acting as an employee of Defendant Carrier at the time of the subject accident.

8. On or about August 20, 2020 at approximately 3:30 p.m., Defendant Richard Lenoir was driving, a white 2019 Ford Transit behind Plaintiff and caused its vehicle to hit Plaintiff's vehicle which forced her vehicle across the drive upon the curb into the grass in front of Wendy's.

9. Defendant Richard Lenoir stated that the last thing he remembered was stopping at the red light at Matubba and Hwy 45 and the next thing he knew is that his airbag deployed.

10. The impact of the collision caused by the vehicle being driven by the Defendant resulted in Plaintiff Gladys Harrison suffering injuries for which she had to seek medical treatment.

COUNT I
NEGLIGENCE

11. The Plaintiff hereby incorporates by reference and re-allege the information set forth in paragraphs 1-10, supra.

12. Defendant Richard Lenoir, and/or other fictitious Defendants wrongfully, recklessly, and/or negligently,

- a. operated the commercial vehicle causing a wreck;
- b. failed to use the knowledge and skills necessary to operate a commercial motor vehicle safely;
- c. Failed to maintain his vehicle under control;
- d. Failed to keep a proper lookout;
- e. Failed to take reasonable evasive action to avoid causing a wreck;
- f. violated the Federal and State Motor Carrier Safety Regulations;
- g. violated Mississippi motor vehicle statutes;
- h. violated company policy;
- i. caused and/or contributed to the occurrence made the basis of this lawsuit; and
- j. committed other such acts and omissions as will be shown through discovery and proven at the trial of this action.

13. As a proximate result of Defendant, Carrier's negligent supervision, hiring and training, Plaintiff suffered damages for which Plaintiff is entitled to an award of compensatory damages.

COUNT II
VICARIOUS LIABILITY

14. The Plaintiffs hereby incorporate by reference and re-alleges the information set forth in paragraphs 1-13, supra.

15. As a direct and proximate result of the negligence of the Defendant, Richard Lenoir, as alleged herein, the Defendant, Carrier is vicariously liable for the damages and claims of Plaintiff.

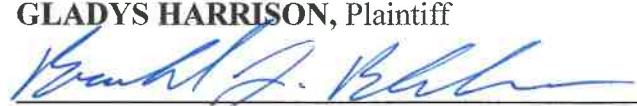
COUNT III
DAMAGES

16. Plaintiff re-allege and incorporate by reference paragraphs 1- 15 above, as if set forth in full hereinafter.

17. As a direct and proximate result of the above described acts/omissions of Defendant, Plaintiff developed and suffered severe, and painful physical maladies, mental anguish and conditions and on account of the same Plaintiff is entitled to recover damages.

WHEREFORE, Plaintiff brings this action and demand judgment of and from Defendants, jointly and severally in excess of the jurisdictional amount for this Court as compensatory damages; pre-judgment interest on said amount from August 20, 2020, or such other damages as the court finds to be appropriate, and a reasonable attorney's fee.

Respectfully submitted this the 12th day of July, 2021.

BY: 
GLADYS HARRISON, Plaintiff

BRADFORD J. BLACKMON, MSB #104848

OF COUNSEL:

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